

Filed for intro on 06/14/2001

HOUSE BILL 2030

By Windle

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, Part 1, relative to an optional bail bond procedure for appearance in the general sessions court in any county having a population of not less than twenty thousand one hundred (20,100) nor more than twenty thousand two hundred (20,200), according to the 2000 federal census or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following language as a new section to be designated as follows:

40-11-152. In addition to the methods for executing bonds provided in this part, any person who is executing a bail bond for an appearance in the general sessions court in any county having a population of not less than twenty thousand one hundred (20,100) nor more than twenty thousand two hundred (20,200), according to the 2000 federal census or any subsequent federal census may be considered for the optional procedure as follows:

(1) Payment of cash bail security in the amount of ten percent (10%) of the bail amount set by the judicial commissioner or judge, and the agreement of such person to pay the full bail amount if he or she fails to appear in general sessions court as directed.

(2) Failure of such person to appear as required shall result in forfeiture of any such cash bail deposit or security.

(3) In the event the court shall impose any monetary judgment against the defendant for payment of fine, restitution, attorney fees, or court costs, the cash deposit shall not be returned but shall be applied to the monetary obligations.

(4) If the case is dismissed, the cash deposit shall be returned to the defendant or such person posting the deposit within thirty (30) days from the date of the dismissal, less a clerical fee of five percent (5%) of the deposit, or ten dollars (\$10.00), whichever is greater.

(5) If the case or cases are referred to the action of the grand jury, the deposit shall remain in effect for such purpose or the court may direct that a different bond procedure be required.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.